

REMARKS

Claims 1-26 of the subject application are currently pending. Of these claims, the Examiner has rejected claims 1-21, and has allowed claims 22-26.

In particular, the Examiner has rejected claims 1-3, and 6-21 under 35 U.S.C. § 103(a) as being unpatentable over Fratkina et al (U.S. Pub 2001/0049688) in view of Marchisio (U.S. Patent No. 6,510,406). Further, the Examiner has rejected claims 4-5 under 35 U.S.C. § 103(a) as being unpatentable over Fratkina in view of Marchisio, and further in view of Busey et al (U.S. Patent No. 6,377,944).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

With regard to claim 1, the Examiner asserts that:

"It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Fratkina et al by the teaching of Marchisio to include associating the set of target preferences with one or more attributes; determining one or more relative importance values for the one or more attributes based on the obtained information because it allows for efficient data retrieval and accurate responses to user's queries."

(Office Action, Page 4)

Applicants, however, respectfully disagree with the Examiner in this regard based on the following grounds:

1). One of ordinary skill in the art would not have been motivated, at the time of the invention, to modify Fratkina by the teaching of Marchisio, as suggested by the Examiner:

Fratkina describes a method and a system for retrieving information through the use of a multistage interaction (dialogue) with a client to identify particular knowledge content associated with a knowledge map. The system of Fratkina employs a dialogue engine that elicits information from a user in a manner that gives a human feel to the dialogue and a better customer experience (see Abstract). In operation, the dialogue engine interprets a user's question, poses other questions to the user and then interprets the user's answers to eliminate irrelevant concept nodes and traverse a knowledge map as it focuses in on an answer to the user's question. (See page 8, para 0188). The knowledge map described in Fratkina is a tree data structure representing a taxonomy. (See page 8, paragraphs 0189-0191). In the system of Fratkina, resolving a user's question (a process known as goal resolution) involves taxonomy traversal, where the dialogue engine goes from more general concepts at the root to more specific concepts closer to the leaves of the taxonomy graph (tree). Because, traversal of the taxonomy is based on a dialogue i.e. questions posed to a user by the dialogue engine, and responses thereto, there is no need for "associating the set of target preferences with one or more attributes; and determining one or more relative importance values for one or more attributes based on the obtained information", as recited in claim 1. In fact, to modify Fratkina to include the above described limitations of claim 1 would destroy the "rich, personalized dialogue", which the system of Fratkina seeks to achieve with a user (See page 1, para 0012).

2). The Examiner has failed to show that Fratkina may be modified, as suggested, with a reasonable expectation of success:

In this regard, it must be borne in mind that Fratkina teaches information retrieval based on a dialogue, where a dialogue engine poses a series of questions to a user, in order to traverse a knowledge map/taxonomy graph in order to arrive at a node in the graph that contains the information requested by the user. In contrast, Marchisio describes an information retrieval system that is based on a query comprising key words (see Abstract). In the system of Marchisio, the information is represented as vectors in a high dimensional vector space (see Column 2) and selection of information in response to a query is based on a measure of the similarity between the query represented as a query vector and an information vector in the vector space. Since, in the system of Marchisio, information retrieval is based on the degree of closeness between the query vector, and an information vector in the multidimensional vector space, it makes sense to include the preferences in the query vector. However, the system of Fratkina does not make use of vectors to represent information, but rather uses a taxonomy graph to represent information, and consequently the problem arises of how to traverse the taxonomy graph in the case of the user inputting "preferences" for particular nodes in the taxonomy graph as opposed to distinct choices corresponding to the nodes in the taxonomy graph. In this regard, Applicants submit that because information retrieval as described by Fratkina et al is based on traversal of a taxonomy graph, selection of a node representing an answer to a user's question, from the graph is only possible if the user answers a question designed to facilitate selection of that node by the dialogue engine. If the user simply inputs a preference, the dialogue engine would not be able to select a node based on the preference.

3). The combination of Fratkina and Marchisio fails to teach or suggest all limitations of the claims:

For example, claim 1 includes the following limitations:

"obtaining information from the user about the user's set of target preferences, using direct questions;

associating a set of target preferences with one or more attributes;

determining one or more relative importance values for the one or more attributes based on the obtained information;

generating at least one list of items selected from the item set that will best meet the set of target preferences based on one or more relative importance values for the one or more attributes; and

generating a display including the list of items and explanations for at least one item on the list of items explaining how well one or more attributes of the at least one item match the set of target preferences."

(Claim 1, emphasis added)

The Examiner contends that the above emphasized limitation of claim 1, is taught by Fratkina, claiming that "explanation" reads on "short synopsis" as referred to in page 8, para 0189. Applicants respectfully submit that the Examiner is incorrect in his view that "explanation" reads on "short synopsis". That this is indeed the case will be apparent when one considers that "explanation", as recited in claim 1 refers to an explanation that explains how well one or more attributes of the at least one item matches the set of target preferences, whereas the short "synopsis" referred to in para 0189, page 8 of Fratkina, is in fact a description of a knowledge container and not an explanation of how well one or more attributes of the at least one item match the set of target preferences.

On account of the foregoing, it is respectfully submitted that claim 1 is not anticipated or rendered obvious by the combination of Fratkina and Marchisio.

Given that claims 2-21 depend on claim 1, it is respectfully submitted that these claims are also not anticipated or rendered obvious by the combination of Fratkina and Marchisio.

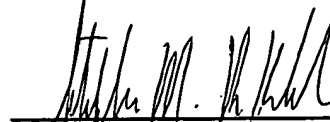
Further, regarding claims 4 and 5, these claims are not anticipated or rendered obvious in view of the combination of Fratkina, Marchisio, and Busey, as per the above arguments.

It is respectfully submitted that in view of the remarks set forth herein, all rejections have been overcome. All pending claims are now in condition for allowance, which is earnestly solicited.

If the Examiner determines that prompt allowance of these claims could be facilitated by telephone conference, the Examiner is invited to contact Vani Moodley at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such an extension.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN



Stephen M. Deklerk
Reg. No. 46,503

Dated: July 26, 2004

Customer No. 008791
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1030
(408) 720-8300